

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

DEITRICH SANDERS,

Petitioner,

v.

Case Number 2:19-CV-11018  
HONORABLE VICTORIA A. ROBERTS  
UNITED STATES DISTRICT JUDGE

KRISTOPHER TASKILA,

Respondent,

\_\_\_\_\_ /

**ORDER TRANSFERRING THE MOTION TO ALTER OR AMEND JUDGMENT  
(ECF No. 20) TO THE UNITED STATES COURT OF APPEALS FOR THE  
SIXTH CIRCUIT**

This Court denied Petitioner's application for a writ of habeas corpus brought pursuant to 28 U.S.C. § 2254. The Court denied Petitioner a certificate of appealability but granted Petitioner leave to appeal *in forma pauperis*. *Sanders v. Taskila*, No. 2:19-CV-11018, 2023 WL 1477632 (E.D. Mich. Feb. 2, 2023).

Petitioner filed a notice of appeal with the United States Court of Appeals for the Sixth Circuit. (ECF No. 19). Petitioner also filed a Motion to Alter or Amend Judgment pursuant to Fed. R. Civ. P. 59 (ECF No. 20).

For the reasons that follow, the Clerk of the Court is directed to transfer the motion to the United States Court of Appeals for the Sixth Circuit.

It is well settled that the filing of a notice of appeal transfers jurisdiction over the merits of the appeal to the appellate court. *Workman v. Tate*, 958 F. 2d 164, 167 (6th Cir. 1992). Petitioner filed a notice of appeal; this Court lacks jurisdiction to consider

Petitioner’s Rule 59 motion to alter or to amend its original opinion and order to consider the merits of petitioner’s case. *Id.* at 167-68; *See also Jones v. Kolb*, 83 F. App’x. 779, 781 (6th Cir. 2003); *Lewis v. Sole L., PLLC*, ---- F. Supp. 3rd ----, No. 1:21-CV-12846, 2022 WL 6775675, at \* 1 (E.D. Mich. Oct. 11, 2022). The Clerk of the Court shall transfer Plaintiff’s Motion to Alter or Amend Judgment to the United States Court of Appeals for the Sixth Circuit under 28 U.S.C. § 1631. *Lewis v. Sole L., PLLC*, 2022 WL 6775675, at \* 1.

**IT IS ORDERED THAT:**

The Clerk of the Court transfer the “Motion to Alter or Amend Judgment” (ECF No. 20) to the United States Court of Appeals for the Sixth Circuit pursuant to 28 U.S.C. § 1631.

**Dated: 3/15/2023**

s/ Victoria A. Roberts  
**HON. VICTORIA A. ROBERTS**  
**UNITED STATES DISTRICT JUDGE**